IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

THURSDAY, THE 6TH JULY 2006 / 15TH ASHADA 1928

Bail Appl..No. 3874 of 2006(S)

CMP.5497/2006 of J.M.F.C.,MAVELIKKARA
(CRIME NO.258/2006 OF MAVELIKKARA POLICE STATION)

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PETITIONERS/ACCUSED 1 AND 2.

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1. SHAJI, AGED 34 YEARS,
S/O.MANGALANANDAN, SANTHOSH BHAVAN, THAZHAKKARA,
MAVELIKKARA.

2. SUKUM, AGED 33 YEARS,
S/O.RAGHAVAN, MOOLEKIZHACKETHIL, VAZHUVADI MURI,
THAZHAKKARA, MAVELIKKARA.

BY ADV. SRI.N.SURESH
SRI.P.V.CHERIAN
SRI.A.MUJEEB REHUMAN

RESPONDENTS: COMPLAINANT.

STATE OF KERALA, REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR P.N. SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 06/07/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.M.JAMES, J.

B.A.3874/2006

DATED THIS THE 6TH DAY OF JULY, 2006

O R D E R

The petitioners were arrested on 3.6.2006 at 3.15 p.m., by the Mavelikkara Police Station authorities, who had registered crime No.258/2006 of that police station, under Section 41 (1) (b) of Cr.P.C. The petitioners remain in judicial custody thereafter. Hence this application, under Section 439 Cr.P.C..

2. This application for bail came up on number of occasions, before this Court. I had given repeated opportunities to the Public Prosecutor to get the instructions, whether the investigating officer had come forward with specific allegations, against the petitioners. The learned Public Prosecutor submitted that the petitioners are having fifteen criminal cases, registered against them. However, there is no material before me, placed by the prosecution, to show that after having detained the petitioners, under Section 41 (1) (b) of Cr.P.C., the investigation revealed that they have committed any offence on or after the arrest, in crime No.258/2006. It is for the investigating officer to

investigate the case and file the report before the court below, as per the law. However, in the present circumstances, I grant bail and release the petitioners from jail, subject to the following conditions:-

(a). Each petitioner shall execute a bond for Rs.25,000/-, with two solvent sureties, each for the like sum, to the satisfaction of the Judicial Magistrate of First Class, Mavelikkara.

(b). The petitioners shall report before the investigating officer of Mavelikkara Police Station, once in a week, on every Monday between 10.00 a.m and 11.00 a.m., for a period of four months, starting from 10.7.2006.

(c). The petitioners shall not leave the District of Alappuzha, without the prior permission of the trial Court.

The application is allowed as above.

J.M.JAMES
JUDGE

mrcs